

meaningful in this debate is to insist on meaningful reforms as the price of our vote. Yes, we have had clean debt ceiling votes before. That was before S&P gave us a negative outlook for the first time ever and told us we risk a downgrade unless we get our fiscal house in order. That was before the world's largest private holder of U.S. Treasuries dumped its share of U.S. debt. That was before a commission that has spent a year studying this issue told us we are headed for ruin unless we act to prevent it. That was before this administration added trillions to the debt and submitted a budget plan this year that called for another \$13 trillion in debt over the next 10 years alone.

The crisis is here. The time to act is now.

We hear a lot from administration officials about what a catastrophe it would be if we didn't raise the debt ceiling, and there may very well be some merit to that argument. But what good would it do to raise the limit and wait for the disaster to strike? We might as well tell people to move to the second floor in case of a fire on the first floor.

My constituents do not have the jobs to lose. Kentucky doesn't have the wealth to give away. We have seen the consequences of a recession we did not predict. There is no excuse not to do everything in our power to prevent one we know is coming.

So let me suggest a way forward in this debate.

No. 1, pitting one group of Americans against another isn't going to solve the problem. In fact, it is part of the problem. We all know it is going to take all of us working together to get out of this crisis, so why don't we start acting like it?

No. 2, there are not enough taxes Americans, rich or poor, can pay to sustain the kind of spending Democrats in Washington want. The President may say he wants to tax the rich, but sooner or later he is going to have to tax everyone else to pay for his plans. What is more, we all know raising taxes would stall the rebound we all claim we want. So let's admit we do not have a revenue problem; we have a spending problem.

No. 3, we all know entitlements need to be part of this discussion. It is about time everyone starts acknowledging it. I have seen the ads about lawmakers voting to end Medicare. Let's be honest and admit nobody is talking about taking anybody's Medicare. Frankly, it is pathetic to claim otherwise, and it only makes the problems harder to solve.

No. 4, let's discuss the art of the possible. We all know tax increases would not pass the House because of the damage they do to family budgets and businesses, and a bipartisan majority in the Senate opposes raising taxes on families, on energy production, and small businesses across America. So let's set that aside and find common ground.

Everyone has a stake in this debate. If we face up to it as adults, we will not only prevent a crisis, we will preserve our common way of life, and we will show the world the United States can solve its problems head on. Millions of Americans are looking for work and struggling every day to rebuild their lives. Families and small businesses are being squeezed by gas prices and an administration that refuses to do anything about it.

We will have debates about this in the days ahead, and Republicans will continue to make the case for tapping our own energy resources. We will make the case against new taxes and regulations and a health care law that is stifling jobs and creating new burdens. But all these efforts rise or fall on whether we do something about our debt.

It is time to show we can tackle the big stuff. The stakes are too high to let this debate come and go without acting. Denying the problem will not solve it. Avoiding the problem until the next election will not solve it. Giving speeches about the problem will not solve it. The time has come to act.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, are we in morning business?

The ACTING PRESIDENT pro tempore. Morning business.

#### NOMINATION OF JOHN MCCONNELL

Mr. WHITEHOUSE. Madam President, I rise to speak in support of the nomination of John McConnell to be a U.S. district judge in my home State of Rhode Island. I had the occasion yesterday to be on the floor and to associate myself with the remarks of my senior Senator, JACK REED, but I wish to add some remarks of my own regarding how worthy an addition to the Federal bench Jack McConnell will be and to urge my colleagues to support his nomination and, in particular, to support an up-or-down vote on his nomination.

The McConnell nomination has been reported on three separate occasions by the Senate Judiciary Committee, each time with a bipartisan vote. This bipartisan backing is not a surprise, given the broad support his nomination has found across the political spectrum in my home State of Rhode Island. I will not read all the quotes of support from prominent Republicans back home, but let me just touch on a few.

Republican former Chief Justice Joseph R. Weisberger, an extraordinarily respected jurist of our State's supreme court, stated, for example, that McConnell:

... would be superbly qualified to preside as a Federal judge over the most challenging and complex cases. He is a man of keen intelligence and impeccable integrity. He would be a splendid addition to the distinguished bench of the United States District Court of Rhode Island.

Republican former attorney general of Rhode Island Jeffrey Pine provides equally glowing reviews:

Throughout his career, Jack has demonstrated the kind of legal ability, integrity, dedication to his client, and willingness to fight hard for the cause of justice that makes him a truly outstanding candidate for the Federal judiciary. . . . In my opinion, he would bring the kind of experience to the Federal bench that would make him an outstanding judge presiding at trials, and a fair and impartial arbiter for those who come before him.

I would add that Attorney General Pines' Republican predecessor as attorney general, Arlene Violet, has been equally complimentary.

John Harpootian, the former Republican Party vice-chair, has added:

One of the greatest characteristics that I admire about Jack so much is that, despite political differences of opinion, he never allowed those differences to become personal or to cloud his judgment. As a result, we have always enjoyed spirited conversation regarding political issues, but have remained great friends. These characteristics lead me to unqualifiedly support Jack's confirmation to the United States District Court for Rhode Island.

There has been similar support beyond the Republican Party from the editorial board of our State's leading newspaper, The Providence Journal, owned by the Alexis Belo Corporation. Despite disagreeing with McConnell on major litigation he brought in private practice, the paper wrote not one but two separate editorials supporting his nomination. The paper opined, for example:

Jack McConnell, in his legal work and community leadership, has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.

The Providence Chamber of Commerce has weighed in to praise him as a "well-respected member of the local community." Jack certainly has richly deserved that title with all his various community service throughout the years, whether for Crossroads Rhode Island, the State's largest homeless center, Providence's Trinity Repertory Theater, the Providence Tourism Council or other organizations.

In sum, those who know Jack McConnell as a lawyer and as a person recognize that he will be a great district court judge, with a proper understanding of the limited judicial role. A native Rhode Islander and a graduate of Brown University, McConnell will make his State proud in his service on the Federal bench, particularly at a time when our court is straining under the workload caused by the vacancy he would fill.

Unfortunately, out-of-State interest groups have politicized the McConnell nomination. I am not going to spend time now rebutting every argument these special interests and their well-paid lawyers have concocted to attack this nomination. Suffice it to say that Jack McConnell has answered all the questions posed to him by this body, leaving no doubt about his legal skill or his integrity.

I will briefly make two points, however.

No. 1, yes, Jack McConnell brought lawsuits against powerful industries, including tobacco, asbestos, and lead paint. There is nothing wrong with that. There is no dishonor in representing poisoned kids, lung cancer patients or the bereaved widow of a mesothelioma victim. It should not disqualify McCONNELL or anyone from confirmation. The most important measures of a judicial nominee are legal expertise, strong character, and a proper understanding of the judicial role, and those are qualities that Jack McConnell possesses in abundance.

Yes, Jack McConnell has been active in politics, much like he has been active in many other aspects of Rhode Island public life. The question, however, is not whether he has been politically engaged in the past but, rather, whether he will put aside his political advocacy when he goes on the bench. I know he will. My senior Senator, JACK REED, knows he will. Mr. McConnell testified before the committee that he would. Consider what Judge Bruce Selya of the First Circuit Court of Appeals, a Republican appointee, said when interviewed by *The Providence Journal*:

It would be a terrible rule to say candidates should be excluded if they donate to their political parties in a perfectly legal fashion.

The paper continued, describing the interview with Judge Selya:

Selya said that when Senators weigh the credentials of political contributors who are nominated to the Federal bench, the proper question is not how much money did they give, but rather, can they make the transition from partisans to impartial jurists. The judge said he believes McConnell can do that.

Judge Selya is not only a leading Republican jurist in Rhode Island, he is also a man of impeccable integrity, and his vouching for Jack McConnell is entitled to considerable weight among all those who know Judge Selya.

We must not disqualify talented and successful advocates merely because of their prior political or legal advocacy. Some of my Republican colleagues may not like the suits McConnell chose to bring. I do not share that view, but fair enough. We should remember, however, that lawyers we disagree with can make the transition from advocate to arbiter. Lawyers nominated by Republican Presidents who defended corporations all their private practices simply do not have a monopoly over the proper judicial mindset.

Let me make a last point before I close. The tradition of this body has been to give up-or-down votes to district court nominations reported favorably by the Judiciary Committee and who have the support of both home State Senators. That is an important tradition in this body. Cloture has not historically been required. The Congressional Research Service reports that from 1949 to 2009—over six decades—only three cloture motions were ever made on district court nomina-

tions and, in each case, each nomination ultimately was confirmed without the 30 hours of postcloture time being used. For every other district court nomination in that 60-year stretch, no cloture motion has been necessary.

We have departed from that tradition in this case, and I fear it is a consequential departure. The majority leader has been forced to file a cloture motion on this nomination. I, nevertheless, hold out hope our Republican colleagues will allow the motion to be withdrawn and grant an up-or-down vote to be held in short order. Doing so would be the proper course of action, in keeping with this institution's best traditions and most conducive to future comity on nominations. Indeed, it would be consistent with the clearly held and firmly stated views my Republican colleagues have indicated in the past.

Once again, I urge my colleagues to support the nomination of John McConnell to the U.S. District Court for the District of Rhode Island. I urge them to give deference to the judgment of Senator REED and myself in this area and, at a minimum, to grant him the up-or-down vote that is Senate tradition for district court nominees backed by both home State Senators who have emerged, in this case in a bipartisan fashion, from the Judiciary Committee with clearance from the ABA and the FBI. Jack has proven himself to be an excellent lawyer and public-minded citizen of the highest integrity and he will be a great district court judge.

I thank the Acting President pro tempore and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to join my colleague, Senator WHITEHOUSE, in strongly supporting the nomination of Jack McConnell to be a United States district court judge for the District of Rhode Island. Indeed, as my colleague indicated, there is a big issue here beyond Mr. McConnell; which is whether we are going to institute a new threshold of cloture, which could be routinely applied to all district court judge nominees. As my colleague indicated, this is an extraordinary departure from the history of this Senate going back decades.

We have long adhered to the tradition that local Senators and the local legal community and the local civic community are the best judges for a potential nominee, subject, obviously, to the President's action and, quite importantly, to the review by the American Bar Association and, quite importantly, the background checks of the FBI, and, quite importantly and very, very importantly, to the deliberations of the Judiciary Committee here in the Senate. This has been the process for both Republicans and Democrats. It has extended over decades, and it is something I hope we can respect today through our deliberations and the conclusion of these deliberations.

Turning to Mr. McConnell, we are fortunate, I believe, to have an individual of his talent and his character. Jack is a graduate of Brown University and Case Western Reserve University Law School. He clerked for a justice of the Rhode Island Supreme Court. He has received numerous accolades and awards, such as the National Association of Attorneys General President's Award and Case Western Reserve University's Martin Luther King, Jr., Award. He has been named to numerous lists of the best lawyers. He has the top rating in both ethics and achievement from Martindale-Hubbell, which is the service that reviews and lists, practically, every attorney in the United States.

But I do not simply want to repeat Jack's extraordinary resume of hard work and success. I want to share some of my personal judgments. He is fundamentally and extraordinarily a decent and honest person. He started out from very humble beginnings. He has worked hard for everything he has accomplished in his life. Through his hours of not just legal work but pro bono work and volunteer work, he has contributed more to the community than anyone I can think of in my home State of Rhode Island. And he has done it without fanfare. He has done it without self-promotion.

He was raised by his late father, who served in Korea with the U.S. Marine Corps and continued to serve in the Marine Corps Reserve. His mother Jane was a teacher. They demonstrated to him the values of hard work and integrity and decency and honesty that have been the hallmark of his efforts and career.

While he was also juggling a very demanding legal career and a family and children, he took the time, early every Monday morning, to go to Amos House, which is a soup kitchen in Providence. It is where the poorest of the poor go simply to get some food for the day. He would quietly and anonymously serve breakfast, without publicity, without fanfare, because he saw this as being part of the community—someone responsible not just for personal success, but for contributing back because he has been fortunate in his life.

He was a Big Brother to a young man in the west end of Providence, a poor neighborhood. He has taught first communion classes in his parish for years. He has been a volunteer attorney at homeless legal clinics in Providence and Pawtucket—two of our central cities. He has served on numerous boards—Crossroads Rhode Island, the biggest and largest homeless service in the State of Rhode Island. He has been there working hard, tirelessly. He has chaired the Providence Tourism Council, which has worked with the Greater Providence Chamber of Commerce to promote the city of Providence.

These are the types of attributes, experiences, life experiences, that form a person and also provide the basis for being a judge. Because the quality I

think we all have to look for in a person, who is sitting in judgment of complicated civil cases, serious criminal cases, but ultimately cases involving men and women, is that they feel that this person understands them and will be fair to them, regardless of whether they are a large corporation or a poor person before the district court. I am convinced Jack McConnell will do that—impartially, deliberately, and carefully. These are the qualities he has exemplified throughout his career.

Jack enjoys strong support and broad support throughout the State of Rhode Island, and it is a reflection of his work not just as an attorney but as a civic leader. I have heard from members from the business community, the Rhode Island judiciary, the legal community, Republican and Democratic elected officials, members of the clergy, as well as individuals from Rhode Island's nonprofit sector and academic sector. All of them have submitted letters for the record, but I want to highlight a few.

The Greater Providence Chamber of Commerce called Mr. McConnell “a well-respected member of the local community, leading important civic, charitable and economic development institutions including Crossroads Rhode Island, the Providence Tourism Council and Trinity Repertory Theatre.” They do not oppose his nomination. If I were looking at the business community, I would look at the local business community, not the national, organized efforts, whose agenda is sometimes very far removed from the needs of the small business men and women of Rhode Island.

The Providence Journal, as my colleague has cited, has repeatedly editorialized in favor of his nomination. He has received emphatic and consistent endorsements. In May of 2010, they said:

Providence lawyer John J. McConnell Jr., whom President Obama has nominated to serve on the U.S. District Court for Rhode Island, is a very able attorney. He has also demonstrated much civic commitment and leadership as a very generous philanthropist and board member of various nonprofit organizations in our area.

Furthermore:

Jack McConnell, in his legal work and community leadership, has shown that he has the legal intelligence, character, compassion and independence to be a distinguished jurist.

After no action was taken on Mr. McConnell's nomination by this body in the previous session, the Providence Journal wrote, in November 2010, that Mr. McConnell is:

one of America's most able and successful litigators, and has been a very energetic and generous leader in philanthropies and other parts of community life. His character and deep love of the law suggest strongly that he will function as a disinterested judge—one able to look at the facts of each case in the light of a close and rigorous reading of statutory and constitutional law and precedent. Indeed, his legal work and community leadership suggest that he would be a distinguished jurist.

He is a man of tremendous character, recognized by community leaders. The Institute for the Study & Practice of Nonviolence—an innovative organization on the south side of Providence—their executive director, Teny Gross, wrote in strong support.

Rhode Island Supreme Court Justice Joseph Weisberger, one of the most respected jurists in the history of Rhode Island, said of his nomination:

His great experience as a litigator has given him exceptional knowledge of the intricacies of the rules and practice and procedures of federal courts. He would be superbly qualified to preside as a federal judge over the most challenging and complex cases. He would be a splendid addition to the distinguished bench of the United States District Court of Rhode Island.

Justice Weisberger is a former Navy veteran and a 45-year veteran of the Rhode Island bench, and he is a man who commands enormous respect in Rhode Island.

The Republican mayor of Rhode Island's second largest city, Scott Avedisian, has said:

Jack is a man of integrity, a strong sense of community, and a very fair and forward-thinking individual.

This is a Republican elected official: “a very fair and forward-thinking individual.”

Business executive Merrill Sherman, an avowed believer in the free market, a very successful entrepreneur and banker, concluded Mr. McConnell “has the temperament, demeanor and capacity to be an excellent federal trial judge.”

So if Mr. McConnell is so bad for business, why are business leaders in the State reflecting on his qualities and giving him accolades and predicting he will be a distinguished jurist?

John Harpootian, another major Republican attorney in the State, a distinguished attorney, stated:

In my view, however, the most important attribute is integrity. Time and again, Jack has proven that he is a man of great principle and integrity. While being a vigilant advocate for his clients and the causes that he has taken up during his professional career, Jack has always conducted himself in the most ethical and professional manner; a trait unfortunately sometimes not found among lawyers today.

One of the greatest characteristics that I admire about Jack so much is that despite political differences of opinion, he never allowed those differences to become personal, or to cloud his judgement.

I am hard pressed, again, to believe the suggestions that have been made that in some way Mr. McConnell is not a completely ethical person because every bit of evidence from Rhode Island—Republicans, Democrats, lawyers, business leaders—from a lifetime of observation suggests that he is ethical.

But perhaps the most compelling words are the words of former Rhode Island Republican Attorney General Jeff Pine. As Jeff concluded:

There is no question in my mind that Jack would be an honest, principled, ethical, and

fair judge. He would be a credit to our state and judiciary. I enthusiastically support his candidacy for the position on the federal bench.

This is our former Republican attorney general.

If that judgment is not sufficient, let me render another judgment. This is in the form of a colleague, a former Pennsylvania Attorney General, a Republican, who is now a member of the U.S. Court of Appeals for the Third Circuit. This body, at the recommendation of the Pennsylvania Senators, years ago, under President George W. Bush, confirmed unanimously D. Michael Fisher to serve—after distinguished service as a Republican attorney general in Pennsylvania—as a circuit judge. Here is what Judge Fisher said:

I met and worked with Mr. McConnell when I was the elected Attorney General of Pennsylvania from 1996 to 2003. We worked very closely together on the national tobacco litigation . . . and worked closely with Mr. McConnell. . . . We spent considerable time together in New York and at meetings elsewhere and I had the unique opportunity to assess Mr. McConnell's legal abilities and his character which were both outstanding. . . . John J. McConnell Jr. is an outstanding nominee to serve on the U.S. District Court for the District of Rhode Island, and I enthusiastically support his nomination.

These are the words of a Federal circuit court judge, nominated by President George W. Bush and confirmed unanimously by this Senate.

Again, I implore my colleagues to listen to what people who know Jack McConnell have said and the words they have used: integrity, honesty, character, independence, impartiality. Those are the words used by people who know him, and that is the truth.

I urge not only on the merits, but also in terms of the traditions of the Senate that we allow this vote to come to a final vote and that we vote for Mr. McConnell.

But let my turn briefly to the claims made by some. Frankly, I am a little bit leery to address these supposed criticisms, but they have been leveled and I think there should be some response.

The first claim seems to be that Mr. McConnell is anti-business. Well, outside of the support he has received from business leaders from Rhode Island and the Providence Journal, which has a historic reputation going back several years of being a prominent supporter of business in Rhode Island, I think it is also good to reference the fact that two insurance industry trade associations—the National Association of Mutual Insurance Companies and the Property Casualty Insurers Association of America—originally signed a letter in 2010 that stridently attacked Mr. McConnell.

However, in December of 2010, both of these associations, which represent companies that scrupulously work for their shareholders, withdrew their opposition because they stopped and looked at the facts.

They spoke to their Rhode Island insurance company members. They examined the Republican support for Mr.

McConnell. They listened to what the Greater Providence Chamber of Commerce had to say. To quote from the National Association of Mutual Insurance Companies' letter:

Upon further consideration and consultation with our member companies in Rhode Island, and after evaluating support for Mr. McConnell from the local business community and former Rhode Island Attorneys General Arlene Violet and Jeffrey Pine, NAMIC withdraws its opposition to his nomination. . . .

Again, those who have carefully considered Jack McConnell have acknowledged that he will bring no personal agenda to the courtroom, as he has testified truthfully and accurately.

Another insinuation is that Mr. McConnell has not comported himself in an ethical manner. This is a serious charge. If any Senator is going to level this kind of assertion, they have to have clear and compelling facts on their side.

Indeed, in his over two decades of practice, Mr. McConnell has never had an ethics complaint alleged or filed against him. He has never had a malpractice claim alleged or filed against him. He has never had a rule 11 motion filed against him.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. REED. Madam President, I ask unanimous consent for 2 more minutes.

Mr. ALEXANDER. Madam President, reserving the right to object, then we would need to add 2 minutes to the Republican side, and I ask unanimous consent for that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. There is a third claim against Mr. McConnell regarding the State of Rhode Island's lawsuit against a number of companies which, at one time, manufactured lead paint. Let me state for the record that this process had its start under a Republican Attorney General, Jeffrey Pine, and then continued under two succeeding attorneys general.

The lawsuit had precedent under Rhode Island law. While it was a lengthy and difficult trial, Judge Silverstein, a State superior court judge who oversaw this trial and was responsible for the court's business calendar, had nothing but praise for Mr. McConnell's involvement and that of his opposing counsels. Again, Judge Silverstein is one of our most respected judges by all sides and by the entire Rhode Island bar for his judgment, integrity, and his skill. He had nothing but praise for Mr. McConnell's involvement.

A fourth claim is an insinuation that Mr. McConnell received some kind of favoritism when the state selected a legal firm to bring the lead paint lawsuit. The facts are again different from the claim. First, Mr. McConnell and former Attorney General Pine discussed this issue within the context of the global tobacco litigation. Attorney

General Pine then asked Mr. McConnell to provide a legal memo on this matter. Attorney General Pine reviewed the materials and believed the case was solid but did not want to undertake the case due to the end of his term. In 1999, AG Pine's successor, who happened to be Senator WHITEHOUSE, asked to be briefed on the matter. Then Attorney General WHITEHOUSE, asked another firm, DeCof and DeCof, to review the case, and this firm found the merits of the case to be factually and legally sound under Rhode Island law. The case was then actively litigated by the state under AG WHITEHOUSE's tenure. It was then reviewed by AG WHITEHOUSE's successor, who decided after much deliberation to continue the case. So there you have it. A Republican Attorney General chose Mr. McConnell more or less and his Democratic successors retained his firm.

I am also told this proposed arrangement was submitted to the court, the court reviewed it, and did not object to it. I am also told by Senator WHITEHOUSE that, indeed, the judge had the final approval of any type of payments made. That is the type of arrangement I think is well within the consistency and ethics of procedures within Rhode Island and across the Nation.

I could go on and on. I conclude by saying this: This is an individual of integrity, character, decency, education, talent, and skill. Today, we are on the verge, I hope, of confirming a district court judge nominee. If we reject this person through a cloture fight, we are setting up an extraordinarily dangerous precedent that in the future could be used to prevent individuals of character and talent from serving on the bench.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that over the next 30 minutes Republican Senators led by the Senator from Ohio, Mr. PORTMAN, and including the Senator from Wyoming, Mr. BARRASSO, Senator CORNYN from Texas, Senator HOEVEN from North Dakota, and myself be permitted to engage in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RIGHT-TO-WORK LAW

Mr. ALEXANDER. Madam President, it seems as if every day there is some new action by the Obama administration that throws a big wet blanket over job creation in America. Republicans haven't been hesitant to point this out and talk about too many taxes, too many regulations, too much debt, higher gasoline prices, higher health care costs, and the health care law.

Yesterday, Senators GRAHAM and DEMINT and I introduced legislation to reaffirm section 14(b) of the Taft-Hartley Act to permit States, if they so

chose, to have a right-to-work law, creating a competitive environment in which we can create more jobs in this country. This is in reaction to the action by the National Labor Relations Board that would basically say the Boeing Company could not expand into a nonunion State.

I ask unanimous consent to have printed in the RECORD an editorial in the Wall Street Journal today called "Congress vs. the NLRB."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONGRESS VS. THE NLRB

President Obama's National Labor Relations Board has spent the year thumbing its nose at Congress by reinterpreting longstanding labor law on behalf of union friends. Congress is finally fighting back.

Tennessee GOP Senator Lamar Alexander along with South Carolina Senators Lindsey Graham and Jim DeMint are this week introducing legislation to rein in the labor board's latest assault on business. The board's complaint against Boeing, filed last month, is the first shot in a new union war on federal right-to-work law, a policy shift that is every bit as threatening as the drive to get rid of secret ballots in union elections.

Boeing decided 17 months ago to invest \$2 billion building a new production plant for its 787 Dreamliner in South Carolina. It made the decision only after talks broke down with the International Association of Machinists and Aerospace Workers, whose members wanted the work at a unionized plant in Washington state. The union's many strikes over the years have cost Boeing a bundle. South Carolina, like 21 other states, has a right-to-work law, which forbids compulsory unionism.

The Obama NLRB nonetheless chose to make Boeing a whipping boy in a new offensive against right-to-work states. It filed a complaint demanding that an administrative law judge halt the South Carolina plant (set to open in July), and force Boeing to move production to Washington.

This despite the fact that Boeing made clear this is a new production facility or that it has added 12,000 jobs in Washington since announcing the South Carolina move.

No matter. The complaint's real target is the federal right-to-work guarantee. Among the most celebrated provisions of the 1947 Taft-Hartley Act is what's known as 14(b)—the section that allows states to pass right-to-work laws. The Boeing complaint guts that guarantee by effectively requiring companies to continue manufacturing in union states—or be found guilty of a rights violation. This is a union dream come true, on par with "card check."

As Senator Alexander tells us, this is a direct attack on a right-to-work law that was "thoroughly debated" by Congress in 1947 and "remains clear today." The Alexander-Graham-DeMint legislation would clarify the existing provision, ensuring that state right-to-work laws cannot be pre-empted by the NLRB or union contracts. We're assuming the 11 Democratic Senators from right-to-work states will stand up for their non-unionized workers—if Senator Majority Harry Reid (from right-to-work Nevada) allows a vote.

Boeing will fight the NLRB complaint, though that might mean a protracted court fight. It also means more uncertainty for every business considering a move of future production facilities to a right-to-work state. Many of them may simply relocate manufacturing overseas.